

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

ROBERT JACKSON,

Plaintiff,

vs.

CITY OF CINCINNATI,

Defendant.

Case No. 1:10-cv-693

Spiegel, J.  
Bowman, M.J.

**REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. §636(b)(1)(A),(B) and (C) and §636(b)(3), the above-captioned matter has been referred to the undersigned United States Magistrate Judge. The Magistrate Judge is empowered to deal with all pretrial and post-judgment motions and procedures, whether dispositive or not, and to render a report and recommendation to the Court on any matters classified as dispositive by statute.

Plaintiff, acting *pro se*, initiated this action by filing a Complaint on October 6, 2010. It was later determined that Plaintiff's mail had since been returned to the Court as undeliverable. As a result, on March 22, 2011, the Court ordered Plaintiff to show cause on or before April 6, 2011, why this case should not be dismissed for lack of prosecution based on his failure to apprise the Court of his current address. (Doc. 5). However, to date, Plaintiff has not responded to the Court's Order to Show Cause and has not filed any Motion, Memoranda, or other paper, since he filed his Complaint on October 6, 2010.

Although the Court prefers to adjudicate cases on their merits, Plaintiff has

engaged in a clear pattern of delay by failing to respond to the Court's Order to Show Cause and by not prosecuting his case in any manner since filing his Complaint more than six months ago. Therefore, Plaintiff's clear pattern of delay warrants dismissal of this case pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. See *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962); *Jourdan v. Jabe*, 851 F.2d 108, 110 (6th Cir. 1991); *Hobson v. Department of Treasury*, No. 99-1274, 2000 WL 145170 (6th Cir. Feb. 1, 2000).

Accordingly, **IT IS RECOMMENDED:**

1. That Plaintiff's Complaint (Doc. 1) be **DISMISSED WITHOUT PREJUDICE**, pursuant to Fed. R. Civ. P. 41(b), from the active docket of this Court.

s/Stephanie K. Bowman  
United States Magistrate Judge